

**REMARKS**

Claims 6-8 remain in this application. Claims 1-5 and 9-13 have been canceled.

I. Rejections under 35 U.S.C. §112

Claims 2-5 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. As noted above, claims 2-5 have been canceled.

II. Rejection under 35 U.S.C. § 103

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,994,530 (Posey-Dowty). As noted above, claims 1-5 have been canceled.

III. Allowed Claims 6-13

While claims 6-13 have been allowed, applicants note that in the Examiner's comments, the reasoning for allowance was stated to be "because the prior art does not teach a composition that contains cellulose ester and sulfonate containing linear polyester...." Applicants have requested cancellation of allowed claims 9-13 (thus leaving only allowed claims 6-8 in this application), because these claims do not contain the sulfopolyester component and in some cases referred to rejected (now canceled) claims for the definition of the compositions. Accordingly, insofar as it appears that the allowance of claims 9-13 was not intended, applicants request cancellation of such claims. Finally, applicants request amendment in claim 6 to correct a clerical error—the word "estert" was corrected to read "ester".

IV. Supplemental Information Disclosure Statement

Applicants also enclose a Supplemental Information Disclosure Statement which contains a copy of an office action in copending application U.S. Serial No. 10/114,353, assigned to Examiner Sharon Lee Howard in art unit 1615.

In summary, applicants request entry of the above amendments, consideration of the remarks and passage of the application to issuance. A petition for a three month extension of time is enclosed.

Respectfully submitted,



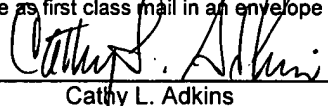
Bernard J. Graves, Jr.  
Registration No. 33,239

March 18, 2004  
Date

Eastman Chemical Company  
P.O. Box 511  
Kingsport, Tennessee 37662  
Phone: (423) 229-3634  
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## CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cathy L. Adkins

3/18/04  
Date



71506

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Oldfield et al.

Serial No.: 10/054,082

Group Art Unit: 1615

Filed: January 22, 2002

Examiner: Blessing M. Fubara

For: HAIR GROOMING FORMULATIONS AND METHODS FOR THE USE  
THEREOF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 CFR 1.97(c)(2)**

In accordance with 37 CFR 1.56, the document listed on the attached Information Disclosure Statement by Applicant is being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of the cited document is enclosed. In this regard, applicants wish to advise the Examiner of the existence of copending application U.S. Serial No. 10/114,353, entitled COSMETIC COATING COMPOSITION COMPRISING CARBOXYALKYL CELLULOSE ESTER, assigned to Examiner Sharon Lee Howard in art unit 1615. The document on the attached sheet is an office action in U.S. Serial No. 10/114,353, which was mailed on October 22, 2003.

Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under §1.97(c). Please charge Deposit Account No. 05-0221 in the amount of \$180.00. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.17 which may be required by

Docket:

PATENT

this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this paper is attached.

Respectfully submitted,

Bernard J. Graves, Jr.  
Bernard J. Graves, Jr.  
Registration No. 33,239

March 18, 2004  
Date

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Cathy L. Adkins  
Cathy L. Adkins

3/18/04  
Date



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Substitute for form 1449

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket Number	71506
First Named Inventor	Oldfield et al.
COMPLETE IF KNOWN	
Application Number	10/054,082
Filing Date	January 22, 2002
Group Art Unit	1615
Examiner Name	Blessing M. Fubara

Sheet

1

of

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### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

### OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author(in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
		Office action dated October 22, 2003, from co-pending application 10/114,353 filed on April 2, 2002	

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/114,353	04/02/2002	Suzanne Winegar Dobbs	71526	7671

7590 10/22/2003

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Eastman Chemical Company  
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**RECEIVED**

**OCT 27 2003**

**EASTMAN CHEMICAL COMPANY  
LEGAL DEPARTMENT**

EXAMINER

HOWARD, SHARON LEE

ART UNIT PAPER NUMBER

1615

DATE MAILED: 10/22/2003

**ENTERED**

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

10/114,353

Applicant(s)

DOBBS ET AL.

Examiner

Sharon L. Howard

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 10/4/02, 4/10/03.

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-11 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Examiner acknowledges receipt of IDS filed on 10/4/02 and 4/10/03.

Claims 1-11 are pending.

### DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Patent No. 5,792,856).

Allen teaches a waterborne coating composition comprising about 0.1 to about 50 weight percent of carboxymethylcellulose (CMC) esters consisting of CMC acetate butyrate and CMC propionate, wherein the esters which are partially neutralized, are partially neutralized with 2-amino-2-methyl-1-propanol (col.9, line 40), said composition is dissolved in a solvent mixture such as methanol, ethanol, 2-butanone, ethylene glycol monopropyl ether and ethylene glycol monobutyl ether and dispersed in water (see abstract, col.8, lines 7-67, bridging col.9, lines 1-40), wherein said esters are known in the art to be useful as binders (see abstract and col.2, lines 66-67, col.3, lines 1-11). Allen teaches about 0.1 to about 50 weight percent (col.8, lines 7 et seq) of the coating composition.



Allen teaches a process for preparing the said coating composition and that the composition is known to be applied to solid substrates, as well other substrates (col.10, lines 13-22).

One having ordinary skill in the art would have been motivated to prepare the composition of Allen, which is known for its art-recognized use for coating a substrate.


It would have been obvious therefore, to one of ordinary skill in the art at time the invention was made to use the teachings of Allen.

### **CORRESPONDENCE**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Howard whose telephone number is (703) 308-4359. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

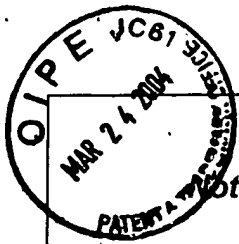
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.



Sharon Howard  
October 17, 2003



THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

**Notice of References Cited**

Application/Control No.

10/114,353

Applicant(s)/Patent Under  
Reexamination  
DOBBS ET AL.

Examiner

Sharon L. Howard

Art Unit

1615

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,792,856	08-1998	Allen et al.	536/66
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

APR 10 2003

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Substitute for form 1449

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Attorney Docket Number 71526

First Named Inventor Dobbs et al.

COMPLETE IF KNOWN

Application Number 10/114,353

Filing Date April 2, 2002

Group Art Unit

Sheet

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of

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
S.H.	✓	6,333,025		Ramin	12/25/2001

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author(in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature	S. Howard	Date Considered	10/20/03
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449		Attorney Docket Number		71526	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		First Named Inventor		Suzanne Winegar Dobbs	
		COMPLETE IF KNOWN			
		Application Number		10/114,353	
		Filing Date		April 02, 2002	
		Group Art Unit		1615	
Sheet	1	of	3	Examiner Name	S. Howard

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OCT 04 2002

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
SH	✓	4,158,053		Greene et al.	06-12-1979
		4,712,571		Remiz et al.	12-15-1987
		5,120,529		Koch et al.	06-09-1992
		5,130,125		Martin et al.	07-14-1992
		5,266,322		Myers et al.	11-30-1993
		5,346,692		Wohlrab et al.	09-13-1994
		5,380,520		Dobbs	01-10-1995
		5,424,061		Pappas et al.	06-13-1995
		5,512,273		Martin	04-30-1996
		5,668,273		Allen et al.	09-16-1997
		5,716,603		Chen et al.	02-10-1998
		5,720,804		Martin	02-24-1998
		5,741,901		Cook et al.	04-21-1998
		5,747,019		Weisman	05-05-1998
		5,785,958		Sirdesai et al.	07-28-1998
		5,792,856		Allen et al.	08-11-1998
		5,871,573		Cook et al.	02-16-1999
		5,955,063		Brody et al.	09-21-1999
SH	✓	5,981,738		Cook et al.	11-09-1999

Examiner Signature	S. Howard	Date Considered	10/9/03
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OCT 04 2002

First Named Inventor	Suzanne Winegar Dobbs
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**COMPLETE IF KNOWN**

Application Number	10/114,353
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Filing Date	April 02, 2002
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Group Art Unit	1615
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Sheet	3	of	3
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Examiner Name

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature	<i>S. Howard</i>	Date Considered	<i>10/9/03</i>
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